



General Assembly

January Session, 2007

***Raised Bill No. 1252***

LCO No. 4480

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Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT REQUIRING INFORMED CONSENT FOR CHIROPRACTIC TREATMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2007*) No licensee under the  
2       provisions of chapter 372 of the general statutes may perform any  
3       procedure, adjustment, manipulation or treatment on any person  
4       without first receiving written informed consent from such person for  
5       such procedure, adjustment, manipulation or treatment. A copy of the  
6       informed consent shall be maintained with such person's medical  
7       records.

8       (b) The Commissioner of Public Health shall adopt regulations, in  
9       accordance with the provisions of chapter 54, establishing all necessary  
10      requirements for the provision of informed consent pursuant to  
11      subsection (a) of this section. Such requirements shall include, but not  
12      be limited to, prior verbal and written notification of the risks and  
13      possible side effects of any proposed procedure, adjustment,  
14      manipulation or treatment.

15      Sec. 2. Section 20-29 of the general statutes is repealed and the

16 following is substituted in lieu thereof (*Effective October 1, 2007*):

17 The Board of Chiropractic Examiners may take any of the actions set  
 18 forth in section 19a-17 for any of the following reasons: The  
 19 employment of fraud or deception in obtaining a license, habitual  
 20 intemperance in the use of ardent spirits, narcotics or stimulants to  
 21 such an extent as to incapacitate the user for the performance of  
 22 professional duties, violation of any provisions of this chapter or  
 23 regulations adopted [hereunder] under this chapter, engaging in fraud  
 24 or material deception in the course of professional services or  
 25 activities, failure to obtain prior written informed consent for a  
 26 procedure, manipulation, adjustment or treatment pursuant to section  
 27 1 of this act, physical or mental illness, emotional disorder or loss of  
 28 motor skill, including but not limited to, deterioration through the  
 29 aging process, illegal, incompetent or negligent conduct in the practice  
 30 of chiropractic, or failure to maintain professional liability insurance or  
 31 other indemnity against liability for professional malpractice as  
 32 provided in subsection (a) of section 20-28b. Any practitioner against  
 33 whom any of the foregoing grounds for action under said section 19a-  
 34 17 are presented to said board shall be furnished with a copy of the  
 35 complaint and shall have a hearing before said board. The hearing  
 36 shall be conducted in accordance with the regulations established by  
 37 the Commissioner of Public Health. Said board may, at any time  
 38 within two years of such action, by a majority vote, rescind such  
 39 action. The Commissioner of Public Health may order a license holder  
 40 to submit to a reasonable physical or mental examination if [his] the  
 41 license holder's physical or mental capacity to practice safely is the  
 42 subject of an investigation. Said commissioner may petition the  
 43 superior court for the judicial district of Hartford to enforce such order  
 44 or any action taken pursuant to section 19a-17.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	20-29

***Statement of Purpose:***

To require chiropractors to obtain prior written informed consent from patients prior to treatment.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*